

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**



CJA Voucher Guidelines

January, 2004

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
CJA Voucher Guidelines

Table of Contents

- Preface
- Reimbursable Expenses
- Non-Reimbursable Expenses
- Travel Guidelines

PREFACE

These guidelines have been prepared by the CJA Panel Committee for the Eastern District of New York to inform CJA Panel attorneys of the Court's CJA voucher policy, and to provide an understanding of the voucher review process.

Only the appointed attorney may bill for expenses. The appointed attorney must make all court appearances, interview witnesses, and attend meetings on behalf of the client, unless a substitution of counsel is approved in advance by the Court.

REIMBURSABLE EXPENSES

Travel

Case-related travel by privately owned automobile should be claimed at the rate then in effect for federal judiciary employees. Reimbursement is also granted for case-related parking fees and required bridge/road tolls.

Transportation other than by privately owned automobile will be reimbursed on an actual expense basis. Every effort to obtain the lowest possible fares or rates must be made. There is no reimbursement for first class or business class travel expenses. Reimbursement will be for the common carrier that is the most efficient, expeditious, and advantageous to the Court.

In determining the reasonableness of travel costs, the Court will be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

Receipts must be submitted for all travel.

Telephone

Reimbursement is made for the actual cost of case-related long distance telephone calls. Long distance calls must be itemized including a brief description of the issue being addressed and to whom the call was made.

Facsimile

Reimbursement for facsimile costs are limited to the actual cost of long distance phone transmissions for outgoing documents. The costs of the machine, its supplies and phone line are considered general office overhead expenses which are not reimbursable.

Photocopying

The actual out-of-pocket expenses incurred in photocopying up to a maximum of \$0.20 per page will be reimbursed.

Postage

Reimbursement will be made for the actual cost of case-related regular U.S. postage. No reimbursement will be made for expedited delivery costs for routine correspondence, including submission

of court documents that are not filed pursuant to a deadline.

NON-REIMBURSABLE EXPENSES

A CJA panel attorney will not be compensated or reimbursed for items that are part of general office overhead including:

- general law office supplies;
- word processing time;
-

Compensation will not be provided for the preparation of CJA vouchers, the detailed statement or voucher review issues.

Appointed counsel may not claim reimbursement for the following:

- printing of briefs
- costs related to educational seminars, including travel, attendance, registration, or materials;

TRAVEL GUIDELINES

Travel expenses reasonably incurred in providing representation under the Criminal Justice Act (“CJA”), may be claimed on the CJA voucher, and must be itemized and reasonably documented.

The guidelines are not exclusive. Please refer to: Chapter VI, *Travel and Transportation*, Volume I, *Guide to Judiciary Policies and Procedures*; and the *Guidelines for the Administration of the Criminal Justice Act*, Volume VII, Guide to Judiciary Policies and Procedures of the Administrative Office of the United States Courts.

Travel expenses which will be reimbursed are confined to those expenses essential and in connection with representation under the CJA Act and supported by receipts.

A CJA attorney is not required to obtain prior authorization for local non-overnight intra-district travel. Prior court authorization for overnight intra-district travel is required.

A CJA attorney is required to obtain prior court authorization for all overnight travel.

Regardless of dollar amount, receipts are required for reimbursement of all travel expenses.

The attorney shall use the least costly and most expeditious means of travel. Case-related travel by privately-owned automobile should be claimed at the rate then in effect for the federal judiciary employees. The current rate is 36 cents per mile for travel on or after January 2003. The Court will also reimburse case-related parking fees if documented with receipts.

The National Travel Service (NTS) is a full-service travel agency and can provide assistance with hotel and car rental reservations. The phone number for NTS is (800) 445-0668. Contact the Clerk’s Office CJA desk at (718) 260-2270 prior to making direct reservations with NTS. A copy of the airline ticket must be supplied to the Clerk’s Office’s CJA clerk, and attached to vouchers for reimbursement. Costs for other than common carriers (which are paid directly by the Court) are claimed for reimbursement on the CJA voucher under the travel section and must be documented with receipts regardless of amount. Credit card receipts and billings are not acceptable.

When an attorney or expert arranges their own travel without using the government rate, they will be reimbursed using the contracted government coach fare or lower. Reimbursement will be for the common carrier that is the most efficient, expeditious, and advantageous to the Court. All reimbursement for common carrier must be supported by travel receipts. Submission of credit card receipts is not sufficient for reimbursement purposes.

There is no reimbursement for first class or business class travel expenses.

Travelers are encouraged to participate in frequent travel programs for official travel. Section 1116 of the fiscal year 2002 National Defense Authorization Act, Public Law No. 107-107, allows federal contractors including CJA attorneys and experts to make personal use of frequent flyer mileage and similar travel bonuses arising from official travel. Section 1116 applies even with respect to such benefits received before the date of its enactment (12/28/2001), as well as on and after that date.

Vouchers for reimbursement along with all applicable receipts for CJA-related travel should be submitted within 30 days of the travel unless a longer period is approved by the Court, and in no event later than 45 days after final disposition of the case (or counsel's withdrawal from case). Do not claim any work prior to date of the Court's order or the *nunc pro tunc* date. Round trip travel under one (1.0) hour is not compensable.

Food and Lodging

Actual expenses with receipts are reimbursed subject to limitations governing compensation for federal employees. Meal expenses are allowable only for overnight, out-of-town travel.

Travel Time and Waiting Time

1.) Brooklyn Panel Members

A CJA Panel attorney whose office is located in Brooklyn, Queens, Manhattan, or Staten Island will not be reimbursed for travel time commuting to the Brooklyn Courthouse or to the Metropolitan Detention Center. Time spent commuting to the Central Islip Courthouse or Nassau County detention facility will be subject to reimbursement.

2.) Long Island Panel Members

A CJA Panel attorney whose office is located in Nassau or Suffolk County will not be reimbursed for travel time commuting to the Central Islip Courthouse or Nassau County detention facility. Time spent commuting to the Brooklyn Courthouse or to the Metropolitan Detention Center will be subject to reimbursement.

3.) Out-of-District Panel Members

CJA Panel attorneys assigned to the Brooklyn Panel whose offices are not located in the Eastern District of New York or in Manhattan will not be reimbursed for travel time to the Brooklyn Courthouse or Metropolitan Detention Center. Those attorneys who are assigned to the Long Island Panel, and who have offices outside of the district other than in Manhattan, will not be reimbursed for time spent traveling to the Courthouse in Central Islip or the Nassau County detention facility.

Waiting time at the Courthouse, or at a federal detention facility or prison, is allowable and begins when you enter the Courthouse or federal prison facility.

NOTE: Vouchers which require correction, lack required memoranda or supporting documentation, or are incomplete will be returned to counsel with instructions for compliance.

